

**ENTERED**

June 17, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JOHN THUESEN,  
Petitioner,

v.

LORIE DAVIS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,  
Respondent.

§  
§  
§  
§  
§  
§  
§  
§

H-20-CV-852

**ORDER**

John Thuesen, an inmate on Texas' death row, has filed a *pro se* letter captioned "Motions to Waive Punishment Phase Claims and Relief, or Alternatively, to Waive Appeal and Move for Execution." (Docket Entry No. 6). Thuesen's letter expresses his intent to waive all claims relating to the punishment phase of his capital murder trial. In the event that this Court does not accept this waiver, Thuesen wishes to forgo all avenues of judicial relief and allow the State of Texas to set an execution date.

Counsel has only represented Thuesen for a short time. Thuesen has not yet filed a federal habeas petition and the time to do so has not yet expired. Currently, there are no claims before the Court for Thuesen to waive. Thuesen's letter, therefore, seeks to limit which claims his attorneys will include in his future federal petition for a writ of habeas corpus. In this pre-petition stage counsel is presumably investigating which issues to advance and which claims to include in a federal habeas petition. The Court advises counsel to consult with Thuesen regularly and, while employing professional judgment as a trained legal professional, take his desires into account while selecting which issues to litigate in federal court. The Court authorizes counsel to express any concerns through pleadings filed *ex parte* and under seal.

The Clerk will provide copies of this Order to the parties. The Clerk will also provide a copy of this Order to John Thuesen, #999557, Polunsky Unit, 3872 FM 350 South, Livingston, TX 77351.

**SIGNED** at Houston, Texas, on this 17th day of June, 2020.



KEITH P. ELLISON  
United States District Judge